

ANIMALS - PLOVERS

birds

Town erases line in sand over beach

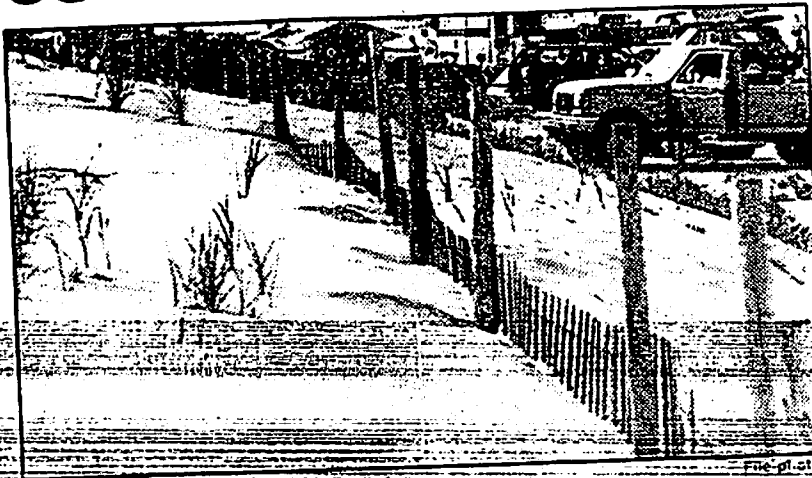
Selectmen agree to federal court order protecting birds

By Tamson W. Burgess
MPG Newspapers

PLYMOUTH — The battle with the U.S. government over Plymouth Beach has ended. Selectmen voted Tuesday to comply with a federal court order requiring the town to manage Long Beach and protect the endangered piping plovers nesting there according to federal guidelines.

"The board voted 4 to 1 not to appeal the judge's decision," selectmen chairman Ken Tavares said yesterday (Wednesday). The board's discussion was held behind closed doors Tuesday night.

The judge ruled in favor of the U.S. Fish and Wildlife Service last Friday. The board concluded the federal guidelines are not much



Plymouth Beach — Federal guidelines weren't different from town's standards, according to selectmen chairman Ken Tavares.

different from what the town planned to do itself.

"The restrictions in the order are really no worse than what we expected to do anyway," Tavares said. "It's basically the same things we had under our own plan."

Today (Thursday) is the anti-

pated date for the first plover chick to hatch this year. Under the injunction, as it would have been under the town's current beach management policy, because of the location of the nest, no vehicles will be allowed past the crossover once the first chick is sighted.

"The beach is not closed," Tavares said. "People can walk out there. There are just vehicle restrictions."

The restrictions do not affect other recreational uses of the beach, only four-wheel-drive vehicles are under restrictions.

In April, selectmen voted to fight the federal demands. This week was the board's first discussion of the issue since it gained two new members in the May 9 election.

When the tiny, sand-colored plover chicks hatch they wander all around the beach foraging for food, but cannot fly to escape harm for 28 to 35 days. Off-road vehicles normally allowed on parts of the beach pose a threat to the chicks and their habitat according to federal reports. Because Long Beach is narrow, depending on the location of the nests, town officials have been forced to restrict vehicle use on the beach until the birds can

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fly. Last summer, the restrictions extended well into August and recreational beach users with four-wheel drive beach permits protested to selectmen. The natural resource officer was fired. Souza was hired to replace him over the winter.

It took federal Judge Patti Saris only nine days to come back with a decision on the request for an injunction against the town. A hearing was held in Boston on May 6.

State and federal wildlife agencies have been trying for years to convince the town to agree in writing to meet the requirements of federal and state guidelines to protect the plovers. The town has its own beach management plan developed in 1992.

My whole approach has been to manage the beach in accordance with the applicable

laws," town manager Don Jacobs said after the decision. When Jacobs came to Plymouth two years ago he was concerned that too many outside agencies were involved in beach management. Before the 1997 beach season he redesigned and reassigned beach staff to provide enough town employees to manage and maintain the beach. He was looking for "an intensive monitoring program under the complete supervision of the town's natural resource officer."

"I want that beach under the control of the town of Plymouth as it has been for over 300 years. I'm not prepared to turn it over to the federal authorities. If we can work with them and make our plan work, then that fear is relieved," Tavares said.

The plan implemented last year met the federal requirements, Jacobs signed an agree-

ment with federal and state authorities which was later revoked by the selectmen. The federal wildlife service continued attempts to negotiate with the town, but selectmen held to their right to manage the beach independently, claiming the town's plan was sufficient. The board suggested there was a government plot to take over coastal beaches through endangered species restrictions.

"We're trying to move forward with this issue and improve communication among all those with vested interest in the beach," Tavares said.

Selectmen met in closed session Tuesday with members of the beach advisory committee, which recommended accepting the decision, natural resource officer Richard Souza, parks superintendent Douglass Gray and the town's attorney,